

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last visited March 18, 2021).

The instant motion also largely repeats the various arguments Bradshaw has made in the past, all of which the Court has considered previously and carefully considers again now. But Section 3582(c)(1)(A)(i) sets an extremely high standard, and Bradshaw's arguments, whether considered alone or in combination, do not demonstrate the extraordinary and compelling reasons necessary to reduce the term of a lawfully imposed prison sentence, especially in light of the sentencing factors set forth in 18 U.S.C. § 3553(a).¹ In reaching this conclusion, the Court has taken into account the current public health crisis, Bradshaw's medical history,² his family circumstances,³ and his expressions of remorse. The Court has also considered, as required by the statute, the sentencing factors set forth in Section 3553(a), namely, the exceptionally seriousness nature of Bradshaw's criminal conduct, his prior criminal record, and the need for the sentence imposed to promote respect for the law, provide just punishment, and afford

¹ To the extent Bradshaw contends United States v. Brooker, 976 F.3d 228 (2d Cir. 2020), somehow changes this extremely high standard, he is wrong. Brooker held that courts' discretion is not constrained by the outdated policy statement in the Sentencing Guidelines, U.S.S.G. § 1B1.13. This Court has never believed its discretion was constrained by Section 1B1.13.

² Bradshaw says he has already had COVID-19. If that is the case, his risk of reinfection is extremely low. See CDC, Reinfection With COVID-19, <https://www.cdc.gov/coronavirus/2019-ncov/your-health/reinfection.html> (last visited March 18, 2021) ("Cases of reinfection with COVID-19 have been reported, but remain rare."). Thus, a sentence reduction based on the risk of contracting the virus again makes no sense. See United States v. Hawkins, 2021 WL 40206, at *2 (E.D.N.Y. Jan. 5, 2021); United States v. Hardy, 2020 WL 7711676, at *2 (S.D.N.Y. Dec. 29, 2020); United States v. McCallum, 2020 WL 7647198, at *1 (S.D.N.Y. Dec. 23, 2020).

³ The Court does not doubt Bradshaw's devotion to his children, and fully understands that his separation from them and from his mother has been very difficult. But these facts are actually fairly common with respect to defendants who are sentenced to prison for committing serious crimes, and, in any event, they were taken into consideration at the time of sentencing.

adequate deterrence. Those factors supported the fifty-four-month sentence at the time it was imposed, and they continue to weigh strongly against Bradshaw's early release.⁴

For all the foregoing reasons, the motion for reconsideration is DENIED.

Dated: March 18, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge

⁴ Bradshaw contends he has served all but five months of his 54-month sentence (or about 90% of the sentence imposed), citing the fact that he expects to be transferred to a half-way house in August 2021. In fact, since Bradshaw has been in custody since January 18, 2018, he has served 38 months of his sentence, or about 70% of the sentence imposed. Either way, this fact is of little significance to the Court. The Court simply does not believe there are extraordinary and compelling reasons warranting a reduction in sentence.